

HOUSE STUDY GROUP

(House Bills)

(HB) HCR, HJR, HSR 1159 Sponsor (s) Dramberger, \*Bird

Subject: Membership of the Texas Water Quality Board

Committee Environmental Affairs Vote Favorably, As Amended

Ayes: 7 Present Not Voting: 1 Voting Nay: Wieting

Nays: 1 Absent: 4

Committee Witnesses:

Support	Opposition
Bob Kemp, Parks and Wildlife representatives on T.W.Q.B.	
Mr. McKibbin, acting City Atty. for Corpus Christi	
Dr. W. A. Quebedeaux, Harris Co., Pollution Control Division	

Digest: This bill amends the sections of the Texas Water Code which deal with membership of the Texas Water Quality Board. The membership of the T.W.Q.B. would be changed from seven to six: one engineer, one from an "allied medical field", and four knowledgeable in the area of water quality. Also, the bill increases the per diem salary of Board Members from \$25.00 to \$50.00; and 1) requires that the Governor make appointments in a manner that will assure that each member is from a different area of the state; and 2) according to the report of the Interim Subcommittee on Pollution of the Environmental Affairs Committee of the 63rd Legislature, (whose study recommended the Board's restructuring), the abdication of authority by the agency directors is attributable to the fact that they are being required to divide their time between their respective agencies and the T.W.Q.B. This bill would remove the four state agency directors (Texas Water Development Board, the Department of Health, the Texas Railroad Commission, and the Parks and Wildlife Commission). As the law now stands, these members are drawn away from the duties of their respective agencies to serve on the T.W.Q.B.

PRO  
Comments: This bill derives from one of the recommendations of an interim study committee which found that the Board presently is "unwittingly abdicating its powers and duties to the Executive Director and his staff".  
Much criticism has been directed at The Texas Water Quality Board and Executive Director Hugh Yantis for failure to enforce standards to prevent the pollution of rivers and streams. The House Environmental Affairs Committee of the 63rd Legislature was authorized to conduct a thorough investigation of the T.W.Q.B. during the interim, and it found substantial evidence that the T.W.Q.B.'s regulation of waste disposal is ineffective.  
Particularly questionable is the Board's "self-reporting system" which delegates to the polluters themselves the duty of reporting data concerning their discharges which indicates whether or not they are complying with their permits. The subcommittee found that "many of these dischargers have reported themselves out of compliance continuously for a year or more . . . without concrete enforcement action being brought against them by the Water Quality Board".

H.B. 1159 (Comments (Pro), continued)

● The report also cited hindrance and delay by the Board in taking enforcement action due to slow administrative procedures, and frequent granting of solid waste permits to applicants who marginally qualify, as reasons for the need to reform the Board.

CON

Comments: The bill does not specify that a chemist or biologist serve on the Board. It calls for a licensed engineer, but does not specify his field of expertise. The requirement of "four knowledgeable members" in the water quality area is vague.

The bill has minimal fiscal implications resulting from the per diem allowance increase to members.

\* House Study Group